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GENERAL AND COMPLETE DISARMAMENT

Transparency in armaments

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PHILIPPINES

[Original: English]

[6 August 1992]

I. EXPORT OF DEFENCE/MILITARY ITEMS AND OF COMMERCIAL FIREARMS, AMMUNITION AND EXPLOSIVES

A. Policies/guidelines

1. As used herein, the term "Defence/military items" refers to all materials used by the Armed Forces of the Philippines for mobility, communications and firepower; and the terms "firearm", "ammunition" and "explosives" include parts of any firearm, ammunition or explosives and any machinery, tool or instruments or implements used or intended to be used in the manufacture of any firearm, ammunition or explosives.

2. An Export Committee has been created under the Philippine Department of National Defence-Armed Forces of the Philippines to process and evaluate all requests for authority to export the aforesaid items.

3. As a matter of policy, export of defence/military items and of commercial firearms, ammunition or explosives shall not be allowed when such exports will have an adverse effect on Philippine relations with any foreign Government. The export shall also be subject to the condition that the defence items shall not be re-exported to any third country.

4. Existing Philippine security laws, rules and regulations shall also be observed in export negotiations and in the processing and movements of documents and shipment of the items.

5. The export of defence/military items not contracted with or used by the Armed Forces of the Philippines shall be subject to the following additional policies/guidelines:

(a) The export approval shall not be construed as a commitment on the part of the Philippine Government to source its future requirements for the exported defence/military items from the exporter;

(b) The quality of the exported defence/military items shall be the sole responsibility of the manufacturer/exporter. However, if requested by the end user, test and evaluation of the defence/military items to be exported may be conducted by the Armed Forces of the Philippines but at the sole expense of the exporter, in which case it should be understood that the exporter and importer are willing to go through the test requirement, which may take some time;

(c) The coverage of test and evaluation of the defence/military items shall be limited to the available testing facilities of the Armed Forces of the Philippines.

B. Administrative procedures

6. Requests for authority to export defence/military items shall be submitted directly to the Export Committee for processing.

7. Requests on the other hand for authority to export commercial firearms, ammunition and/or explosives received by the Philippine National Police shall be submitted directly to the Department of National Defence for processing.

8. The requests for authority to export shall be accompanied by a letter of intent and end-user certificate from the foreign buyer/importer. As minimum requirement, the request shall give specific information on the following:

(a) Nomenclature and description of the items sought to be exported;

(b) Quantity of the items;

(c) Name and address of the foreign buyer/importer and the end user;

(d) Expected date of delivery.

9. Upon receipt of the request for authority to export a defence/military item, the Export Committee shall immediately evaluate and deliberate on the same, paying special attention to the security aspect and political implications thereof, the current requirements of the Armed Forces of the Philippines, and the reasonableness as to price and other terms and conditions of the proposed sale. The applicant may be requested to appear before the Committee, if deemed by it to be necessary, to enlighten the members of some aspects about the proposed export.

10. The Export Committee shall then render its recommendation to the Department of National Defence on the request for authority to export defence/military items, together with all supporting documents such as security clearances, letter of intent and end-user certificate.

II. IMPORTATION OF FIREARMS, AMMUNITION, EXPLOSIVES AND EXPLOSIVES INGREDIENTS

Guidelines/administrative procedures

11. As used herein, the terms "firearms", "ammunition" and "explosives" include parts of firearms, ammunition or explosives and any machinery, tool or instrument or implement used or intended to be used in the manufacture of any firearm, ammunition or explosives.

12. The words "explosives ingredients" on the other hand shall mean any chemicals used as ingredients in the manufacture of explosives, and shall include, but not be limited to, potassium chlorate and nitrate of ammonium, potassium and sodium.

13. All applications to import, or requests for authority to purchase from abroad, any firearm(s), ammunition, explosives or explosives ingredients by any government office, national or local (except the Armed Forces of the Philippines) government officer or employee, licensed dealer/manufacturer, and private individual shall be submitted to the Philippine National Police.

14. Requests on the other hand by units of the Armed Forces of the Philippines for authority to procure from abroad any firearms, ammunition or explosives, or explosives ingredients as part of their organizational equipment shall be submitted to the Department of National Defence through the Chief of Staff, Armed Forces of the Philippines.

15. All applications/requests shall be accompanied by the following documentation:

(a) By private individuals: Certification by the private individual of the number, type and calibre of firearm(s) and ammunition licensed or registered in his name, if any. In addition, if the private individual is a member of a gun club registered with the Philippine National Police, he shall be certified by the club as a member in good standing;

(b) By registered gun clubs: Certification by the gun club of the number, type and calibre of firearm(s) and ammunition licensed/registered in the name of the club as well as those loaned to it by the Armed Forces of the Philippines/Philippine National Police, if any;

(c) By licensed private security agencies: Certification by the licensed private security agency of the number, type and calibre of the firearm(s) and ammunition licensed/registered in its name as well as those loaned to it by the Armed Forces of the Philippines/Philippine National Police, if any;

(d) By licensed dealers/manufacturers: Certification by the licensed dealer/manufacturer of the number, type and calibre of firearm(s), ammunition, explosives or chemical ingredients in the current stock or inventory or the firm/entity;

(e) By government officials and employees: Certification by the civilian government official/employee, military/police personnel, of the number, type and calibre of the firearm(s) and ammunition licensed/registered in his name as well as those issued to him on memorandum receipt, if any; and recommendation of the chief of office/unit commander concerned;

(f) By civilian government offices/agencies: Certification by the chief of office of the number, type and calibre of firearm(s) and ammunition licensed/registered in the name of the office as well as those loaned to the office/agency by the Armed Forces of the Philippines/Philippine National Police, if any; and that the firearm(s) and/or ammunition are for official use of its duly licensed security personnel or officers/employees;

(g) By Philippine National Police units: Certification issued by the Director-General, Philippine National Police, that the procurement of the firearm(s), ammunition, explosives or explosives ingredients as part of the organizational equipment of the importing police unit is included in the procurement and budget programme of the National Police;

(h) By units of the Armed Forces of the Philippines: Certification by the major service commander concerned that the procurement of the firearm(s), ammunition, explosives or explosives ingredients as part of the organizational equipment of the importing unit is included in its procurement and budget programme and approved by the Chief of Staff, Armed Forces of the Philippines.

16. The request of any civilian government office or agency to import high-powered firearms for use of its licensed security personnel shall, in addition to the documentary requirements above, be coursed through the proper provincial/city commander, Philippine National Police, who shall determine the criticality of lawlessness and criminality of the area of the government office or agency and the need for the use of such firearms.

17. The Philippine National Police shall process all applications/requests for authority to import firearms, ammunitions, explosives or explosives ingredients (except those by the Armed Forces of the Philippines) and determine if the applicant is qualified to possess or is licensed to deal with the items applied for. Thereafter, the processed applications shall be forwarded to the Department of National Defence.

18. All import applications/requests that are approved by the Department of National Defence shall be returned to the Philippine National Police for issuance of the necessary permit/authority to import/purchase.